NATURAL BLOOD OF WOMEN

By

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(rahimahullaah)

الدماء الطبيعية للنساء

الشيخ محمد بن صالح العثيمين

(رحمه الله)

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IN THE NAME OF ALLAH
THE BENEFICENT THE MOST MERCIFUL,
I Begin (to write):

Introduction

All praise is due to Allah, we praise Him, seek His help and forgiveness. We return to Him alone in repentance, and we seek refuge in Allah from the evil of ourselves and from our wrong deeds. Whosoever Allah guides there is none who can misguide, and whosoever Allah misguides there is none who can guide. I bear witness that there is no god worthy of being worshipped except Allah Who is free from any partners or associates. I bear witness that Muhammad is the true slave and messenger of Allah (*subhaanahu wa ta'aala* ﷻ) may Allah's salaah and salaam (ﷺ) be upon him.

It is common that there are three types of menses among women:
1) **Menstrual Period,**
2)***Istihadah***: bleeding from the womb between women periods, and
3) ***Nifass*** (post-delivery).

The explanations of these matters in accordance with the evidences from Qur'an and *Sunnah* is very important and beneficial, because:

a) the Qur'an and *Sunnah* represent the only sources for all of the Decrees of Allah.
b) in referring to these sources one achieves a state of peace, comfort and relaxation as well as relief for having the requirements of worship (in this case purification from menses) made known.
c) any other reference lacks the quality of perfection of the proofs of the Qur'an and *Sunnah*.

Next in reference, are the verified sayings of the scholars amongst the ***Sahabah*** (companions of the Prophet (ﷺ[1])) as long as they are not in conflict with any thing in the Qur'an or *Sunnah*. In case there is a contradictory saying by another *Sahabi*, then verification for the most substantiated proofs closest to evidences from Qur'an and *Sunnah* is sought. This is in confirmation to the saying of Allah (ﷻ):

{ فإن تنازَعتُم في شئ فرُدُّوهُ إلى الله والرَّسول، إن كُنتُم تُؤمِنونَ باللَّهِ واليَومِ الأخِرِ ذلكَ خَيرٌ وأحسنُ تأويلاً } (النّساء، ٥٩)

"**If you differ in anything amongst yourselves, refer it to Allah and His Messenger (ﷺ), if you believe in Allah and in the Last Day. That is best, and more suitable for final determination.**"(Qur'an 4: 59)

With the above in mind, a summarized letter explaining the Islamic Laws regarding menses is presented here.

[1]*Sallallaahu Alaihi was-Sallam*: may Allah exalt his mention and render him and his message safe from every deregotory thing.

Chapter One

The Meaning of Menses

In the Arabic language, the word **Menses** means: *the pouring and flowing of something.* According to its Islamic meaning, *it is the blood that the female naturally releases without an outside cause and during certain specific times.* It is, therefore, a natural blood flow that is not related to disease, wound, abortion or delivery. The characteristics of its flow clearly differ amongst women depending upon their overall condition, environment and immediate surroundings.

The Wisdom behind it relates to the fact that when the embryo is in its mother's womb it cannot receive nutrients even from the most merciful human-being. Allah, Most Glorified and the Most Perfect Creator, created a system of blood secretions that carries the nutrients to the embryo via the umbilical cord. That is why when a woman becomes pregnant her period stops and she will rarely have menses (Haid).

Chapter Two: The Age at which Menses Starts & Ends

First: Is There an Age Period?

Menses occurs between the ages of twelve and fifty although a woman may have it before or after depending upon her condition and environment.The *Ulama'* (Scholars) of Islam, may Allah's Mercy be upon them all, differed whether there is a specific age period in which menses is manifested and about the nature of the blood that the woman may have prior to or after this period: is her blood a Haid blood or an unrelated blood? After referring to the different opinions about this matter, Imam Ad-Daarimee[2] concluded that: "to me all are wrong, because the criteria should be the presence or absence of the released blood regardless of the age period, and therefore this type of blood should be considered as Haid, and Allah Knows best." What Ad-Daarimee said is the correct position and this is also the choice of Shayekul Islam Ibn Taymeeyah.[3] Accordingly, when the woman sees the menstrual blood then she is in an actual state of Haid even though she may be less than nine or more than fifty years old. This is because Allah and His Messenger (ﷺ) made the rule for Haid effective only when Haid is present and according to these rules there was no mention of a certain age for the commencing or ending of Haid. Hence, *specifying an age period requires an evidence from Qur'an and Sunnah and this is not available.*

Second: The time of duration of Haid

There is a great deal of dispute amongst the *Ulama'* regarding the period of time in which a woman is considered to be in Haid. Some Scholars say: "There is no limiting number of days for the existence of Haid either light or intensive. This

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[2]*Ad-Daarimee*: One of the very well known scholars of Islam. He was born in 181 Hj. He was a reference cited by Imam Muslim, Abu Dawoud, At-Tirmidhi and others. He travelled extensively and authored many Islamic classifications. He died in the year 255 Hj.

[3]*Ibn Taymeeyah*: The renowned scolar of Islam was born in the year 661Hj/1263 CE. He mastered various disciplines of Islamic studies at an early age. He had strongly defended the *Sunnah* of the Prophet (ﷺ) and stood firmly against innovations introduced by philosophers and scholastic (*Kalam*) sects who plotted for his imprisonment on numerous occasions. He physically defended the Muslims in greater Syria against invasions by the Tartars. He died in 728Hj/1328CE while in prison in Damascus following his *Fatawa* (Islamic Legal Rulings) against innovators. His writings are still a great reference for Muslims seeking knowledge about Islam. May Allah have His Mercy upon Him.

author says: "This opinion is like that of Ad-Daarimee (above) and it is the choice of Shayekul Islam Ibn Taymeeyah and it is the right opinion because it is substantiated by evidences from the Qur'an, *Sunnah*, and good analogy:

Evidence No. 1: The saying of Allah (Most High):

{ ويَسألُونَكَ عنِ المَحيضِ قُل هُوَ أذًى فاعتَزِلُوا النِساءَ في المَحيضِ ولا تَقرَبُوهُنَّ حتَّى يطهُرن } (البقرة، ٢٢٢)

"They ask you concerning menstruation. Say: that is an *Adha* (a harmful thing for a husband to have a sexual intercourse with his wife while she is having her menses) therefore keep away from women during menses and go not unto them till they have been purified (from menses and have taken a bath)." (Qur'an 2: 222)

It is clear that Allah made the reason behind abstention from legal sexual intercourse with the woman is **the lack of purity** during her Haid and not the end of a certain period of time: a day, a night, three days, not even fifteen days. This is a proof that the reason for the above ruling by Allah is either the presence of Haid (and its harm and impurity) or its absence (state of purity).

Evidence No.2: What has been confirmed by the Prophet (ﷺ) in the authentic book of Hadeeth known as *Saheeh Al-Bukhari* when he (ﷺ) explained to his wife 'Aisha (*radiyallaahu 'anha*[4]) what to do when she had her menstrual period after assuming her state of *Ihram*[5] for *Umra*[6]: *"Do all that the Pilgrim is supposed to do except that you don't perform Tawaff (Circumambulation) around the Ka'ba till you are clean (from your Haid)*[7]. She said: "On the Day of *Nahr* (animal sacrifice: 10th day of *Dhul Hijja*), I was *pure."*

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[4]*Radiyallaahu 'anha ('anhu, 'anhuma, or 'anhum)*: may Allah be pleased with her (him, both, or them).

[5]*Ihram*: literally, *Ihram* means "entering into a state of sanctity." In accordance with the *Sunnah* of the Prophet (ﷺ) it involves the putting on of a particular type of dress and abstention from certain actions. It takes place at specified places fixed by the Prophet (ﷺ) known as *Mawaqeet.*

[6]*Umra*: A religious journey to Makkah during which one performs *Tawaff* around *Ka'ba* and going on *Sa'ee* seven times between the mountains of *Safa* and *Marwa.*

[7]*Saheeh Al-Bukhari* (Arabic-English) V. 1, PP.182-3, Hadeeth # 302.

It is also reported in another Hadeeth (*Saheeh Al-Bukhari*) that the Prophet (ﷺ) told her (i.e., 'Aisha): "*Wait till you become clean from your menses and then go to At-Tan'eem (a place in Makkah), assuming Ihram (and after performing Umra) join us at such and such place.*"[8] So, the Prophet (ﷺ) made it clear that the reason behind preventing 'Aisha from performing the rites of Hajj is her state of cleanliness and not a specified period for the duration of her menstrual bleeding. This indicates that the Islamic ruling regarding this issue is related to the presence or absence of menstrual blood.

Evidence No.3: Estimates and details given by some Jurists regarding the age at which menses starts and ends is not present in the Book of Allah and in the *Sunnah* of the Prophet (ﷺ) although this issue is definitely needed and necessity demands its clarification. ***If*** it were obligatory to understand these estimates and to use them in the worship Allah, then Allah and His Messenger would have clearly made it known to everyone. This is because of the importance of the Islamic rulings that govern many aspects of worship of Allah and which depend upon the state of menses, for example, Prayer, Fasting, Marriage, Divorce, Inheritance and others. As it is known, Allah (ﷻ) and His Messenger (ﷺ) explained:

•Prayers, their numbers, their times, their *Rukoo'*, and their *Sujood*.
•*Zakat*[9] its types of wealth and property; *Nissab*[10], its due amount, and its recipients.
•*Siyam* (Fasting): its period and the specified times in the day,
•*Hajj* (Pilgrimage)
•The etiquettes of eating, drinking, sleeping, sexual intercourse with the wife, sitting, entering and leaving the home, the way to answer the call of nature, even the number of stones to be used in *Istijmar*,[11] and many more details about the minute as well as the greatest types of actions by which Allah (ﷻ) had completed His religion of Islam and perfected His favors upon the believers as He (ﷻ) says:

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[8]*Saheeh Al-Bukhari* (Arabic-English) V.3, P.9 Hadeeth # 15.

[9]*Zakat*: is a specific kind of charity which is to be collected according to certain rules and regulations from the rich of the Muslims and distributed among the poor ones. It is one of the five Pillars of Islam.

[10]*Nissab*: the required minimum amount possessed by a Muslim at the end of a year (Islamic calendar). The due amount of *Zakat* is determined depending on the type and amount of wealth owned.

[11]*Istijmar*: cleaning ones private parts with odd number of stones (not less than three). The Prophet (ﷺ) said: "*Whoever cleans his private parts with stones do so with odd numbers.", Saheeh Al-Bukhari*, Arabic-English; V.1, P.114, Hadeeth # 163.

{ وأنزَلنا عَليكَ الكِتابَ تبياناً لكُلِّ شيءٍ } (النحل، ٨٩)

"And We have sent down the Book (Qur'an) as an exposition of everything."(Qur'an 16: 89)

{ ما كان حديثاً يُفتَرى ولكن تصديقَ الذي بين يديه وتفصيل كُل شيء} (يوسف، ١١١)

"It (the Qur'an) is not a forged statement but a confirmation of what came before (of Allah's Books: the Torah, the Gospel and other Scriptures**) and a detailed explanation of everything."**(Qur'an 12: 111)

Hence, since there is no mention of these estimates in the Book of Allah and in the *Sunnah* of the Prophet (ﷺ) it became clear that one can rule them out of consideration. In fact, the consideration (as proven above) is to be determined by the presence or absence of menstrual blood. There is an important benefit to be deduced from the discussion of this issue and that is the fact that Islamic rulings cannot be confirmed except by an evidence from the Book of Allah (Qur'an) or the *Sunnah* of the Prophet (ﷺ) or a known *Ijmaa,'*[12] or good *Qiyass*.[13] Shayekul Islam *Ibn Taymeeyah* said in one of his basic rulings: "*...and such is the name: **Haid**, Allah had based upon it many rulings in the Book and Sunnah and He did not give us an "estimate" for what constitutes its shortest or its longest period. He (ﷺ) also did not specify the time for which the woman is considered clean between any of her two menstrual periods, although the Ummah is mostly affected by this issue and need to know about it. Linguistically the Name Haid does not characterize one "estimate" or another. So, anyone who estimates a certain time limit for Haid then he/she had taken a position that is not in accordance with the Book and Sunnah.*"

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[12]*Ijmaa'*: consensus of opinion amongst the pious and righteous Muslim scholars in any generation. When nothing is directly mentioned in Qur'an or the *Sunnah* about a case, then the *Ijmaa'* is considered a valid case (see *Fatawa Ibn Taymeeyah* Vol. 19, PP. 5-8, and 192-202). *Ijmaa'* in Islam becomes abiding due to the fact that the Prophet (ﷺ) has related in various authentic traditions that the scholars from among his *Ummah* (community) will never arrive at a consensus that contains misguidance or error. Allah (ﷻ) protects them from this. Because they were the closest generation to the Prophet (ﷺ), the companions were the most qualified to arrive at a consensus (*Ijmaa*').

[13]*Qiyass*: analogical deduction of a ruling regarding a specific issue where there is no clear reference to it in Qur'an, *Sunnah* or *Ijmaa*'. The deduction is based on the good resemblance of a case to another one for which there is a known evidence from Qur'an, *Sunnah* or *Ijmaa*'. An example of *Qiyass* is the prohibition of marijuana based on the Prophet's statement: "*Every intoxicant is **Khamr** and every form of **Khamr** is Haraam.*" (*Saheeh Muslim*-English Trans.V.3 P.1108, Hadeeth # 4963). Since marijuana has intoxicating effect it can be classified as *Khamr* and thus *Haraam* (unlawful) (see *The Evolution of Fiqh* by Abu Ameenah Bilal Philips (1988) P.60; The Tawheed Publications, Riyadh, Saudia Arabia).

Evidence No. 4: The *Qiyass*: Allah (ﷻ) established that *Haid* is painful, impure and harmful thing and that is why there should be no sexual intercourse during its manifestation. So as long as there is Haid then there is harm and impurity with no difference between the second day and the first nor between the fourth and the third,... the sixteenth and the fifteenth, the eighteenth and the seventeenth because *Haid* remains to be *Haid* and painful and harm remains to be harm! The reason is equally present in any of the days. So, how can it be acceptable to have separate rulings, one for each day, although the existing reason governing the ruling about Haid is the same for both? This is against good *Qiyass*. Is it not that good *Qiyass* is to consider equal application of the ruling on both days because the reason behind the ruling equally exists in both of them?

Evidence No.5: The disagreements and disturbances in the sayings of those who specify a certain period of time for Haid indicates the absence of evidence for such sayings. These opinions were arrived at by *Ijtihaad*[14] and they are subject to being wrong or right and none of these opinions have precedence over the other. And at times of dispute matters have to be referred to Qur'an and *Sunnah*.

It should be clear by now that the strongest ruling is that there is no time limitation for either the shortest or longest Haid and accordingly: what the woman sees from her natural blood (other than a wound or something similar) is menstrual blood without consideration for time estimates or age factors *except* the case in which the flow of blood does not cease or it ceases for one or two days per month and in which the woman is considered to be in a state of ***Istihadah*** **(**see later).

Shayekul Islam *Ibn Taymeeyah* said: "*Basically everything that comes out from the womb is Haid until an evidence can be established to indicate that it is* ***Istihadah.***" He also said: "*Any released blood is a Haid blood unless it is known to be the type of wound blood or bleeding from a blood vessel.*" Not only this saying is the strongest view but also it is the closest to understand and contemplate and easiest to practice. It deserves to be accepted above all other views because it fits the spirit and essence of Islam which is relief and easiness. Allah, Most High, said:

{ وما جَعَلَ عَليكُم في الدِّين من حَرَج } (الحج، ٧٨)

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[14] *Ijtihaad*:is the process of arriving at reasoned decisions by well learned scholars to suit new circumstances.

"**And He has chosen for you (to convey Islam to mankind), and has not laid upon you any hardship in *Deen* (religion as a code of life prescribed by Allah, i.e., Islam)**." (Qur'an 22: 78)

The Prophet (ﷺ) said: "*Verily this **Deen** is very easy and whoever overburdens himself in his religion will not be able to continue in that way. So you should not be extremists, but try to be near to perfection and receive the good tidings that you will be rewarded."*[15] It is also known that part of the character of the Prophet (ﷺ) is that whenever he had to choose between two matters he would chose the easier one unless it is a wrong-doing.

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[15]*Saheeh Al-Bukhari* (Arabic-English) V. 1, P. 34, Hadeeth # 38.

THE HAID OF THE PREGNANT WOMAN

Most often Haid stops during pregnancy. *Imam Ahmad,*[16] may Allah's Mercy be upon Him said: "**Women are able to recognize being pregnant when their Haid stops.**" If the pregnant woman sees the blood shortly before delivery (two or three days) coupled with contractions then it is considered ***Nifass***. If it is seen way in advance of her delivery or shortly prior to delivery but not accompanied by contractions then it is Haid or not? There is dispute among the scholars on this issue. The right opinion, however, is that this kind of blood is Haid blood. The reason behind this lies in the general ruling that "The blood encountered by a woman is a Haid blood as long as there is no reason that alters its consideration as Haid blood. To this effect, there is nothing in the Book of Allah and in the *Sunnah* that indicates that a pregnant woman may not have Haid." This is the opinion of *Imam Malik,*[17] *Imam Ash-Shaafie'e*,[18] the choice of Shayekul Islam *Ibn Taymeeyah*, and **not *Nifass*.** In this case, the question is raised as to whether it can be considered as Haid and thus apply to it all the rulings of also it is reported that Imam Ahmad readopted this position. Accordingly, all the rulings governing the normal Haid are applicable to the Haid of a pregnant woman **except in two cases**:

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[16]*Imam Ahmad Ibn Hanbal* (164-241 Hj/778-855 CE) became one of the greatest memorizers and narrators of Hadeeth of his time. His greatest concern was the collection, narration, and interpretation of Hadeeth. He went through a series of persecutions because of his stand against the application of philosophical concepts in understanding the Qur'an and Hadeeth. His school of legal thought gives High emphasis to evidences from Qur'an and *Sunnah* and the consensus opinion of the *Sahabah*.

[17]*Imam Malik Ibn Anas Ibn 'Aamir* (94-79Hj/716-801CE) born in Madinah. His grandfather, *'Aamir*, was among the companions of the Prophet (ﷺ). He taught Hadeeth in Madinah over a period of forty years. He compiled a book containing Hadeeths of the Prophet (ﷺ) and sayings of the *Sahaba* and their successors which he named *Al-Muwatta*'. This book was translated into English. However, an introduction by a mystic (*Sufi*) person in England distorted the purity of the Book. *Sufism* is a mystic sect that has nothing to do with Islam. The followers of this sect claim that "they receive direct inspiration*"Kashf"* from Allah", and that they can influence the universe! and that the unity of Allah means that He is In everything. Certainly, Allah is Most High on His *'Arsh* (Throne), sees, knows, and encompasses everything, and He does not "unite in His creation" as the Christians and other sects claim! Allah's attributes are all unique and perfect and distinct from those of His creation**:**

{ ليس كمثله شيءٌ وهو السَّميع البصير } (الشورى،١١)

"**There is nothing like unto Him, and He is All-Hearing, All-Seeing**" (Qur'an 42: 11)

[18]*Imam Ash-Shaafi'ee:* (150-204 Hj/767-820 CE): Muhammed Ibn Idrees Ash-Shaafi'ee, was born in Ghazza and travelled to Madinah in his youth to study under Imam Malik. He also studied in Iraq under Imam Muhammad Ibn al-Hassan, The famous student of Imam *Abu Haneefah* (See F.N. # 28. Imam Ash-Shaafi'ee holds the distinction of being the first Imam to systematize the fundamental principles of Islamic *Fiqh* (Jurisprudence).

a) Divorce: It is known that divorcing a non-pregnant woman must take place during her *'Idda*[19] (i.e., *in a cleanse state in which her husband did not have intercourse with her or if it is known that she became pregnant)* and not while she is in her Haid because Islamically this is unlawful. Allah (ﷻ) says:

{ إذا طَلَّقتُم النِّساء فطَلِّقوهُنَّ لِعِدَّتِهِنَّ } (الطلاق،١)

"When you divorce women, divorce them at their *'Idda* (prescribed periods)" (Qur'an 65: 1).

As far as the pregnant woman is concerned her *'Idda* is her period of pregnancy whether she was menstruating or not. So her divorce is dependent upon the completion of her term of pregnancy and has nothing to do with her Haid.

b) *The 'Idda* of the pregnant woman ends with her delivery whether she is menstruating or not due to the saying of Allah (ﷻ):

{ وأولاتِ الأحمالِ أجَلُهُنَّ أن يَضَعنَ حَملَهُنَّ } (الطلاق، ٤)

"For those who are pregnant (whether they are divorced or their husbands are dead), their period is until they deliver their burdens."(Qur'an 65: 4).

[19]*'Idda* (Prescribed period). The definition *of 'Idda* lies in the following Hadeeth in *Saheeh Al-Bukhari* (Arabic-English), V.7, P.129 # 178: *Narrated Abdullah bin Umar (radiyallaahu 'anhu) that he had divorced his wife while she was menstruating during the lifetime of Allah's Messenger. Umar bin Al-Khatab asked Allah's Messenger about that. Allah's Messenger said: "Order him (your son) to take her back and keep her till she is clean and then to wait till she gets her next period (Haid) and becomes clean again, whereupon, if he wishes to keep her, he can do so, and if he wishes to divorce her he can divorce her before having sexual intercourse with her; and that is the prescribed period which Allah has fixed for the woman meant to be divorced."*

Chapter Three

Changes In The State Of Menses

There are many types of changes that affect the state of menses:

First**:** Increase or decrease, e.g. a period that normally lasts for six days continues for one more day or a period that normally stays for seven days ends on the sixth day.

Second**:** Advancement or Delay, e.g. a woman having her "normal" period at the end of each month finds herself menstruating at the beginning of the month or the opposite. Scholars did differ about the religious decree regarding these two situations. The correct position is that whenever she sees the blood then she is menstruating and whenever she becomes clean then she is in the state of purity regardless of whether there was an increase, decrease, advancement or delay in her period. This is because the application of rulings about Haid, as detailed above, depends upon the actual existence of Haid blood.

Third**:** yellowish discharge (which looks like yellowish pus) or *Kudrah*: looking between yellowish and blackish discharge. If this occurs during the Haid period or immediately after it and prior to the state of *Tahara* (cleanliness), then it is to be considered as Haid with all the rulings of Haid being applicable. If these discharges occur after the state of *Tahara* then it is not Haid in lieu of the saying of Umm 'Atiyya (*radiyallaahu 'anha*); "*we never considered yellowish discharge (after cleanliness as a thing of importance (as menses).*"[20] The same was reported by Al-Bukhari[21] without the words "*after cleanliness.*"

Imam Al-Bukhari, however, tabulated this Hadeeth under the Chapter Title "**Yellowish discharge during the days between the periods.**" He based this upon another Hadeeth by 'Aisha in the same Chapter entitled "**The beginning and end of the menstrual periods**":

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[20]Related by Abu-Dawoud with a good chain of narrators.

[21]*Saheeh Al-Bukhari* (Arabic-English) V. 1, P.194 # 323.

"Some women used to send the pads of cotton with traces of yellowish discharge to 'Aisha (radiyallaahu 'anha) (for the verdict to know whether they had become clean from menses or not). and 'Aisha (radiyallaahu 'anha) would say:"Do not hurry till you see Al-Qassatal' Bayedaa' (white discharge from the womb; the cotton pad will be white) meaning the perfect disappearance of menses."[22]

***Fourth*:** discontinuity in menstruation such that blood flows on one day and it stops the next day. There are two circumstances associated with this type:

(1) discontinuity occurs all the time. In this case this blood is considered a blood of *Istihadah* and all rulings of *Istihadah* are applicable.

(2) discontinuity occurs only sometimes and there is a period of cleanliness. Scholars differed regarding this period of cleanliness: is it really a period of *Tahara* whereby the laws of Haid are not applicable, or is it part of the Haid?

According to Imam *Ash-Shaafi'ee*, *Ibn Taymeeyah*, and Imam *Abu Haneefa's* school of thought this associated period is part of Haid because the *Qassah Al-Bayedaa'* is not seen and if it were to be considered as "*Tahara*" then there will be difficulty and hardship upon women. Certainly this is against the essence of the Islamic principles.

On the other hand, the well known opinion of the Hanbali (pronounced Hambali) School of thought is that blood flow is Haid and cleanliness is "*Tahara*" except when the combined times of Haid and "cleanliness" exceeds the "longest period of Haid" which, according to this school is fifteen days. Blood flow beyond this "upper limit" is considered *Istihadah*." The author of *Al-Mughnee* (a great reference book compiling the Hanbali Fiqh) said: "If the blood stops for less than one day the state cannot be considered as "*Tahara*" unless she sees a clear evidence, for example, the flow stops at the end of her period or she sees the *Qassah Al-Bayedaa'*."[23] This author said: "The above saying in the *Mughnee* is an intermediate position between the two above opinions, and Allah Knows best."

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[22]ibid,V.1, P.190, Chapter: "The beginning and the Ending of menstrual Period."

[23]*Al-Mughnee* V. 1, P. 355.

Fifth: dryness in the blood: A woman sees some wet discharge. If this occurs during Haid or linked to it, prior to *Tahara*, then it is menstruation (Haid). If it occurs after *Tahara* then it is not Haid.

Chapter Four

Laws About Menses

There are many laws about menses. It is enough to mention those that are most needed:

First: Menses and *Salat* (Prayers)

All kinds of Salat, obligatory or Sunnah, are prohibited for women in their menstruation. It is not obligatory on a woman to perform Salat unless she could get one complete *Rak'ah* within the prescribed time of Salat. To illustrate this consider the following two examples:

Example One: A woman had her menses right after sunset. However, she was clean for a period of time sufficient for her to get one *Rak'ah* from the *Maghrib* (Sunset) prayer. Once she is completely clean, she must make up for her *Maghrib* prayer.

Example two: The menses of a woman stopped before sunrise and within the time sufficient for her to perform one *Rak'ah* from Salat *Al-Fajr* (Dawn). Once she completely cleans herself, then she must make up for Salat *Al-Fajr*.

In both examples, if the time is not enough for her to get one *Rak'ah,* then it is not mandatory upon her to perform Salat because the Prophet (ﷺ) said: "*Whoever could get one Rak'ah of a prayer (in its proper time) he has got the prayer."*[24] This Hadeeth implies that whoever could not get one *Rak'ah* of a prayer in its proper time, then he has not got the prayer.

Case: suppose a woman could get one *Rak'ah* of *'Asr* prayer in its proper time. Is it then obligatory upon her to perform Salat *Al-Thuhr* (Noon) with Salat *Al-'Asr* (Afternoon)? or if a woman could get one *Rak'ah* of *Isha'* prayer in its proper time, is it then obligatory upon her to perform Salat *Al-Maghrib* with *'Isha'?*

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[24] *Saheeh Al-Bukhari* (Arabic-English), V.1, P. 322, Hadeeth # 554.

There is dispute amongst the scholars about these issues. The right position, however, is that she should only perform what she is able to get of a particular prayer i.e., Salat *Al-'Asr* and *Isha'* only. This is based upon the Hadeeth of the Prophet (ﷺ): "*Whoever could get one Raka' of* Salat *Al-'Asr before sunset, then he has gotten the 'Asr."*(agreed upon).[25] He (ﷺ) did not say "then he/she has gotten *Thuhr* and '*Asr* prayer!". He did not mention that it is mandatory to do Salat *Al-Thuhr*. This is the position of the schools of thought of Imam *Malik* and Imam *Abu Haneefah*.[26]

Case: During Menses, it is not unlawful to celebrate Allah's Praises (Saying *Takbeer*, *Tasbeeh*, and *Tahmeed*),[27] saying *Bismillah* before acting upon something (eating, drinking, etc..), reading Hadeeth, Islamic discussions, invocing Allah (*Dua'*), and listening to the recitation of Qur'an. It has been confirmed by 'Aisha (*radiyallaahu 'anha*) that the Prophet (ﷺ) used to: "*lean on my lap and recite Qur'an while I was in menses"* (Al-Bukhari and Muslim).[28] Also Umm 'Atiyya reported that she heard the Prophet (ﷺ) saying: *"The Unmarried young virgins and the mature girl who stay often screened or the young unmarried virgins who often stayscreened and the menstruating women should come out and participate in the good deeds as well as the religious gathering of the faithful believers but the menstruating women should keep away from the Musalla (praying place)."*[29]

Case: The reciting of the Qur'an by a menstruating woman either via direct looking or silently (in her heart) without the actual uttering by the tongue is permissible. The majority of the scholars are with the opinion that it is not prohibited for her to utter the Qur'anic recitation. *Imam Bukhari, Ibn Jareer At-Tabaree and Ibn Al-Munthir, Imam Malik, and Imam Ash-Shaafi'ee* (in one of his earlier sayings) are with the opinion that

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[25]*Saheeh Muslim* (English: translated by Abdul Hamid Siddiqi and published by *Dar Al-Arabi*; Beirut-Lebanon) V. 1, P. 298, Hadeeth # 1266.

[26]*Abu Haneefah al-Nu'man Ibn Thabit Ibn Zouta* (80-150 Hj/700-770 CE), one of the great Jurists of Islam. He was born in Kufah and died in Baghdad. He saw the Sahabi, Anass Bin Malik when the latter came to Kufah. He was a pious scholar who respected the Hadeeth of the Prophet (ﷺ) to the degree that he would not narrate any hadeeth unless he knew it by heart. He considered the Hadeeth above his own saying. He did not call people to blindly imitate him.

[27]*Takbeer*: saying *Allahu Akbar* (Allah is Greater); *Tasbeeh*: saying *Subhana Allah* (Allah is free of all imperfection); *Tahmeed*: saying *Al Hamdulillah*: All Praise is due to Allah.

[28]*Saheeh Al-Bukhari* (Arabic-English) V.1, P.179, Hadeeth # 296.

[29]Agreed upon Hadeeth. In *Saheeh Al-Bukhari* (Arabic- English), V. 1, P. 192, Hadeeth # 321.

it is permissible for her to recite the *Ayah* (verse in the Qur'an). Shayekul Islam *Ibn Taymeeyah* said: "Basically, there is no *Sunnah* to prevent her from reciting Qur'an. The "hadeeth" that: "A menstruating woman and the one who is in state of *Jannabah*[30] should not recite anything of the Qur'an," ***is a weak hadeeth*** as agreed upon by the knowledgeable scholars of Hadeeth. In fact women at the time of the Prophet (ﷺ) used to have their monthly cycles of menses. Had the recitation of Qur'an been prohibited for them (as it is the case with Salat) then the Prophet (ﷺ) would have made it clear to his *Ummah* (Islamic community) and his wives would have known about it and they would have dissipated this knowledge to the people. Because no one had related a prohibition by the Prophet (ﷺ) about this issue, then it cannot be made unlawful especially when it is known that he (ﷺ) did not prohibit it at the time when menses was very much present. Accordingly, recitation by the tongue is not *Haram* (legally unlawful).[31] This author said: "having known the dispute between the scholars about this matter, then it is more proper for the menstruating woman not to recite Qur'an by the tongue except when it is necessary e.g. if she is a teacher or if she is preparing for an exam."

Second: Menses & Fasting

It is unlawful for a mensturating woman to perform all types of fasting: obligatory or optional. It is, however, obligatory to make up for the missed obligatory days of fasting as explained by 'Aisha (*radiyallaahu 'anha*): *"We passed through this (period of menstruation), and we were ordered to complete (i.e., compensate) the fasts but we were not ordered to complete the prayers"* (agreed upon Hadeeth).[32] If the woman encounters menses while fasting then her fasting is negated even if her blood flow occurs a moment before sunset. If this day is one of the prescribed days of fasting then she must make up for this day once she becomes clean. If on her day of fasting she feels she is about to have her menses but no blood flow actually occurs till after sunset, then her fasting is complete and is not negated in accordance with the right opinion about this matter. This is because there is no ruling regarding blood inside the

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[30] *Jannabah*: Is the state in which a man (or a woman) has sexual discharge during sexual intercourse or in a dream, etc. In this state a Muslim is not allowed to pray nor do other kinds of worships unless and until he (she) performs *Ghusl* (have a full shower) or do *Tayammum* if he/she cannot use water for any reason.

[31] *Ibn Taymeeyah* in *Al-Fatawa* (religious decrees) V. 26, P. 191.

[32] The text is from *Saheeh Muslim*, V.1, P. 191.

woman's body and because the Prophet (ﷺ) when asked: "is it necessary for a woman to take a bath after she has a wet dream (nocturnal sexual discharge)?" he replied: *"Yes, if she notices a discharge."*[33] So, he (ﷺ) conditioned the ruling upon the actual seeing of the discharge and not upon its transfer (from inside-out). Similarly in the case of Haid, the ruling applies once there is an actual seeing of discharge.

Case: if a woman's period continues till after dawn (*Fajr*), then no fasting will be acceptable from her on this day even if she becomes clean moments after dawn.

Case: if she becomes clean before *Fajr* and she fasted, then her fasting is correct even though she may have not taken her cleaning bath till after *Fajr* time. This is the same as in the case of the person who has *Jannabah*. If he (she) intends to fast and did not take his (her) bath until after *Fajr*, then his (her) fasting on this day is correct. This is in accordance with the Hadeeth of 'Aisha (*radiyallaahu 'anha*) who said that: "The Prophet (ﷺ) used to get up in a state of *Jannabah* (after sexual relations with his wives) and fast during the month of Ramadan."[34]

Third: Menses & *Tawaff* Around The *Ka'ba*

It is prohibited for the *Haa'id* (menstruating woman) to perform *Tawaff* (obligatory or non obligatory) because of the saying of the Prophet (ﷺ) to 'Aisha when she had her period during *Hajj*: "*Do all that the Pilgrim is supposed to do except that you don't perform Tawaff around the Ka'ba till you are clean (from your Haid).*"[35]

It is not unlawful for her to perform the rest of the rites of *Hajj*. So, if a woman makes *Tawaff* while she is clean and she had her menstruation right after she completes her *Tawaff* or during her *Sa'ee*, then she is relieved.

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[33] *Saheeh Al-Bukhari* (Arabic-English) V.1, P. 171-2, Hadeeth # 280.

[34] 'Aisha (*radiyallaahu 'anha*) said: "*The dawn broke upon the Messenger of Allah (ﷺ) during the Ramadan in a state of Jannabah not becuase of sexual dream (but on account of intercourse) and he washed himself and observed fast"*-Saheeh Muslim, V.2, P.539.

[35] ibid, footnote # 7.

Fourth: Exemption From The Farewell *Tawaff*

If a woman completes the rites of *Hajj* and *Umra* and she gets her menses before she departs to her home (country or city), and if this is still continuous at the time of her actual departure, then she can leave without performing the *Farewell Tawaff*. This is in accordance with the Hadeeth narrated by *Ibn* Abbass (*radiyallaahu 'anhuma*): *"The people were ordered to perform the Tawaff-al-Wada' (Farewell) as the last thing before leaving (Mecca) except the menstruating women who were excused."*[36]

Case: It is disliked for a menstruating woman to do her *Dua'* (invocation upon Allah) by the door of *Al-Masjid Al-Haram* (The Sacred Mosque), because this was not the practice of the Prophet (ﷺ). On the contrary, what has been reported by the Prophet (ﷺ) is his order to Safiyah (*radiyallaahu 'anha*) to leave after she had her menstruation following the *Tawaff of Al-Ifadah* (the obligatory *Tawaff*). If, however, a woman gets her menses before performing *Tawaff Al-Ifadah* or that of the *Umra*, then she must make up these *Tawaffs* after she becomes clean.

Fifth: Menses & Staying In The Mosque

It is prohibited for a menstruating woman to stay in a Mosque (even the *'Eed* praying area) in lieu of the Hadeeth of Umm 'Atiyya (*radiyallaahu 'anha*) when she heard the Prophet (ﷺ) saying: "*The Unmarried young virgins and the mature girl who stay often screened or the young unmarried virgins who often stay screened and the menstruating women should come out and participate in the good deeds as well as the religious gathering of the faithful believers*..." He (ﷺ) ended by saying: "*but the menstruating women should keep away from the Musalla (praying place)*."[37]

Sixth : Menses & Legal Sexual Intercourse

It is prohibited for a husband to have sexual intercourse with his menstruating wife, and it is not allowed for her to make it possible for him. Allah (ﷻ) says:

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[36]Agreed upon Hadeeth: *Saheeh Al-Bukhari* (Arabic-English) V.2, P. 469. Hadeeth # 810.

[37]ibid: F.N # 22 and 23.

{ ويسألونك عن المحيض قُل هُوَ أذًى فاعتَزِلُوا النِّساءَ في المَحيض ولا تقربوهُنَّ حتى يطْهُرن } (البقرة، ٢٢٢)

"They ask you concerning menstruation. Say: that is an *Adha* (a harmful thing for a husband to have a sexual intercourse with his wife while she is having her menses), therefore keep away from women during menses and go not unto them till they have been purified (from menses and have taken a bath)." (Qur'an 2: 222).

Menses here refers to the period of menstruation and the private part of the woman is the prohibited place. The Prophet (ﷺ) said: "*Do everything except sexual intercourse.*"[38]

All Muslims had *Ijmaa'* prohibiting sexual intercourse with a menstruating woman. It is not permissible for anyone who believes in Allah and in the Day of Judgment to practice this act. Anyone who does this then he had disobeyed Allah and His Messenger and followed a path other than the believers path.[39] It is related that *Imam Ash-Shaafiee'* had said: "Anyone who does such an act then he had committed a major Sin." Other scholars of the same school said: "Anyone who sees it permissible to have sexual intercourse with a menstruating woman then a decree of his *Kufr* (rejection of Faith) should be made."

In order to break the intensity of sexual desire, it is permissible (and praise is due to Allah) to kiss, hug and fondle a menstruating woman in places other than her private parts. It is important, however, that the husband does not approach the area between the knees and the navel without laying a cover sheet as 'Aisha (*radiyallaahu 'anha*) explained: "*He (ﷺ) used to order me to put an Izar (dress worn below the waist) and used to fondle me (during her menses).*"[40]

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[38]*Saheeh* Muslim (English) V 1. P.175, Hadeeth # 592.

[39]Allah (ﷻ) warns saying:
{ ومن يُشاققِ الرَّسول من بَعدِ ما تبينَ لهُ الهُدى ويتَّبِعُ غيرَ سبيل المؤمنين نُوَلِّهِ ما تَولّى ونصلِهِ جَهَنَّم وساءتْ مَصيراً } (النساء، ١١٥)
"And whoever contradicts and opposes the Messenger (Muhammad (ﷺ)) after the Right Path has been shown clearly to him, and follows other than the believers' way, We shall keep him in the path he has chosen, and burn him in Hell;--what an evil destination." (Qur'an 4: 115)

[40]*Saheeh Al-Bukhari* (Arabic-English): V. 1, P.180, Hadeeth # 298.

Seventh: Menses & Divorce

It is prohibited to divorce the wife during her menstruation. Allah (ﷻ) says:

{ **إذا طلَّقتم النِّساءَ فطلِّقوهُنَّ لِعِدَّتِهنَّ** } (الطلاق، ١)

"When you divorce women, divorce them at their *'Idda* (prescribed periods)" (Qur'an 65: 1) meaning that at the time of divorce they should be in conditions that, will allow the determination of their coming *'Idda*.

The conditions are such that the woman is **either clean** (from menses and prior to any sexual intercourse) **or she is pregnant** (and her prescribed period is until she delivers her burden). If, for example, she is divorced while in menses, her menses will not be counted as part of her prescribed *'Idda* (see footnote # 19) and therefore she will miss her accurate determination of *'Idda*. Also if she is divorced while in a clean state and following a sexual intercourse with her husband, then she is not sure about her *'Idda* (or may not be pregnant). Due to the lack of uncertainty concerning her type of *'Idda*, it is prohibited for a man to divorce his wife until her state (clean or pregnant) becomes clear.

It is also confirmed that the Prophet (ﷺ) became angry when he heard that *Ibn Umar* (*radiyallaahu 'anhuma*) divorced his wife while she was in her menses. He told *Umar Ibn Al-Khataab* (*radiyallaahu 'anhu*), to order his son (*Ibn Umar*) to "*turn her back"* (see footnote #19). So, if a person divorces his wife while she is menstruating then he had committed a sin and must sincerely repent to Allah, negate his decision, let her stay until she becomes clean, wait for her next menses, and then after she becomes clean again he has the choice to keep her or divorce her before having sexual intercourse with her.

There are three provisions that allow divorce during menses. These are:

FIRST: Divorce is made before he is about to have sexual seclusion with her or prior to actually having sexual intercourse with her, because under these circumstances she has no established *'Idda* and her divorce is not in dispute with the saying of Allah (ﷻ):

{ **فطلِقوهُنَّ لِعِدَتِهنَّ** } الآية (الطلاق، ١)

"Divorce them at their *'Idda* (prescribed period))" (Qur'an 65: 1)

SECOND: If menses occurs during pregnancy, because as explained earlier, her *'Idda* is not related to her menses but her pregnancy.

THIRD: If divorce is made in return for something (*Al-Khul'*). For example, if there are continuous strong dispute and ill-treatment between a husband and his wife, then the husband can accept something in return for the divorce of his wife. The evidence is in the Hadeeth narrated by Ibn Abbass (*radiyallaahu 'anhuma*) in which the wife of *Thabit Bin Qais bin Shamass* came to the Prophet (ﷺ) and said: "*O Messenger of Allah! I don't blame Thabit for defects in his character or his religion, but I , being a Muslim, dislike to behave in an un-Islamic manner (If I remain with him)". On that the Prophet (ﷺ) said to her: "will you give back the garden which your husband has given you (as Mahr*[41])?" She said: "Yes." *Then the Prophet .(ﷺ) said to Thabit: "O, Thabit, accept your garden, and divorce her once."*[42]

The Prophet (ﷺ) did not ask whether she was in her menses or not. Under these circumstances of genuine need, the wife can ask for her divorce regardless of her menstrual conditions. "Divorcing during menses could harm the woman because it will elongate her *'Idda*. On the other hand, the harm resulting from ill-treatment and strong disputes is much greater than the harm inflicted due to the elongation of the *'Idda*, and therefore it is more urgent to remove through the request for divorce. This is why the Prophet (ﷺ) did not ask about the menstrual conditions of the wife of *Thabit bin Qais*."[43]

Case: The establishment of a marriage contract with a menstruating woman is permissible because there is no evidence to indicate otherwise. However, the husband should be cautioned that if he is unable to hold his sexual desires, then he should not have seclusion with his wife until she becomes clean from her menses.

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[41]*Mah*r: dower, bridal money.

[42]*Saheeh Al-Bukhari* (Arabic-English), V. 7, P.150, Hadeeth # 197.

[43]Cited in *Al-Mughnee*, V. 7 Ta-Meem, P.52.

Eighth: Menses & The *'Idda* of Divorce

If a husband divorces his wife after his first sexual intercourse with her or after being alone with her, then she should have an *'Idda* of *three complete menstruations* (if she is a menstruating woman and not a pregnant one). This is in compliance with the saying of Allah (ﷻ):

{ والمُطلَّقاتُ يَترَبَّصنَ بأنفُسِهِنَّ ثلاثة قُروءٍ } (البقرة، ٢٢٨)

"**And divorced women shall wait (as regards their marriage) for three menstrual periods" (**Qur'an 2: 228). If she is pregnant then her *'Idda* is up and until she delivers (whether it is a short or long pregnancy), because Allah (ﷻ) says:

{ وأُلاتُ الأحمالِ أجَلُهُنَّ أن يَضَعنَ حَملَهُنَّ } (الطلاق، ٤)

"**And those who are pregnant (whether they are divorced or their husbands are dead) their *'Idda* (prescribed period) is until they deliver (their burdens)".** (Qur'an 65: 4).

If she has no courses (of menses), like the immature, or if she passed the age of monthly courses or she had surgical removal of the uterus, etc., then her *'Idda* is three months in lieu of the saying of Allah (ﷻ):

{ واللائِى يئِسنَ من المَحيضِ من نِسائِكُم إن ارتَبتُم فعِدَّتُهُنَّ ثلاثةُ أشهرٍ واللائِى لم يَحِضْنَ } (الطلاق، ٤)

"**And those of your women as have passed the age of monthly courses, for them the *'Idda* (prescribed period), if you have doubts (about their periods), is three months and for those who have no courses (i.e., they are still immature), their 'Idda (prescribed period) is three months like wise** (Qur'an 65 :4)" **[**Except in the case of death (see Qur'an 2: 234)**]**.

Case: If the woman is of those who have monthly courses, but due to a known reason (sickness or breast-feeding) her menses stops. She should stay in her *'Idda* (even though it may become longer) until she gets back her menses whereby she takes it into account in the calculation of her *'Idda*. If the cause has ended yet she did not recover her menses, then her *'Idda* becomes one full year starting the time at which the cause ended. This is the right opinion that fits the basics of our Islamic legal laws. Her case is analogous to those women who, for unknown reasons, their menses stopped. Her

complete *'Idda* is One Year: nine months (to accommodate a possible pregnancy) plus three months for her original monthly courses.

Case: If Divorce occurs after establishing the contract of marriage, but prior to seclusion and sexual intercourse, then there is no *'Idda* whatsoever. Allah (ﷻ) says :

{ يا أيُّها الذين ءامنوا إذا نَكَحْتُمُ المؤمنات ثُمَّ طَلَّقتموهُنَّ من قبلِ أن تَمسوهُنَّ فما لكُم عليهِنَّ من عِدَّةٍ تَعتَدونَها } (الأحزاب، ٤٩)

"O you who believe! when you marry believing women, and then divorce them before you have sexual intercourse with them, no *'Idda* [divorce prescribed period, *(Qur'an 65:4)* have you to count in respect of them. So give them a present, and set them free in a handsome manner."(Qur'an 33: 49).

Ninth: A Free Uterus

A uterus free from pregnancy has a relationship to the state of menses of a woman and thus to the application of certain Islamic Laws. For example, if a person related to a married woman dies and he has a particular inheritance. To know whether the woman is pregnant or not determines the state of distribution of inheritance. Her husband should not have sexual intercourse with her until after: a) she menstruates, indicating that her womb is free and thus no inheritance applies; b) her pregnancy at the time of death of the inherited person is clearly proven. In this case the distribution of inheritance must consider the new born.

Tenth: Obligation To Have *Ghusl*

It is obligatory upon a menstruating woman to take a bath at the end of her menses. This is in accordance with the saying of the Prophet (ﷺ) to Fatimah (the daughter of Abi Hubaish): *"Give up the prayer when your menses begins, and after it finishes, wash the blood off your body (by having a full shower), and start praying."*[44] The least to do while taking a bath is to wash off all of the body including the scalp of the head. The best way of bathing is the way described by the Prophet (ﷺ) when Asma', the

[44] *Saheeh Al-Bukhari* (Arabic- English), V.1, P. 196. Hadeeth # 327.

daughter of Shakl, inquired about *Ghusl*. He (ﷺ) said:

"Everyone amongst you should use water (mixed with the leaves of) the lote-tree and cleanse herself well, and then pour water on her head and rub it vigorously till it reaches the roots of the hair. Then she should pour water on it. Afterwards she should take a piece of cotton smeared with musk and cleanse herself with the help of that? Upon this he (the Messenger of Allah) observed: Praise be to Allah, she should cleanse herself. 'Aisha said (in a subdued tone) that she should apply it to the trace of blood."[45]

It is not obligatory upon the menstruating woman to undo her hair once she is ready to do *Ghusl* unless her hair is closely plaited to the degree that it will prevent water from reaching under the hair. Umm Salamah (*radiyallaahu 'anha*) asked the Prophet (ﷺ): *"I am a woman who has closely plaited hair on my head; should I undo it for taking a bath, because of sexual intercourse (or due to Haid as in one narration)? He (ﷺ) said: and then pour water over yourself, and you shall be purified."*[46]

Case: If the menstruating woman becomes clean within the prescribed time of one of the prayers, then she should immediately take a bath so as to be able to perform her prayer on time. If she was on travel and there was no available water or if she would be harmed (due to a certain reason: sickness or otherwise) by the use of available water, then she can perform *Tayammum*[47] up until the causes that prevent her from using water are lifted. She could then take a bath.

Case: There are some women who become clean during the prescribed time of a prayer but they postpone taking a bath claiming that they are unable to finish cleaning themselves within the prescribed time of prayer! This is only an excuse, because she can perform the mandatory acts of *Ghusl* that would make her clean and still perform prayer on time. She could perform a complete bath whenever she is free.

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[45] *Saheeh Muslim* (English), V.1, P.188, Hadeeth # 649.

[46] *Saheeh Muslim* (English), V.1, P187, Hadeeth # 643.

[47] *Tayammum*: to put or strike lightly the hands over clean earth and then pass the palm of each on the back of the other, blow off the dust and then pass them over the face. This is performed when water is not available or if its use is harmful.

Chapter Five

ISTIHADAH

ISTIHADAH is the vaginal bleeding of a woman such that it may not stop or it may stop but for a short period of time (a day or two in each month).

1) Bleeding that does not stop: 'Aisha (*radiyallaahu 'anha*) related that: "Fatimah bint Abi Hubaish said to the Prophet (ﷺ): "*I do not become clean (i.e., bleeding is not ending) and in one narration "I got persistent bleeding (in between the periods) and I do not become clean."*[49]

2) Bleeding that stops for a short period of time: Humnah bint Jahsh came to the Prophet (ﷺ) and said: *"My menstruation was great in quantity and severe."*[48]

Several States of *Istihadah*

ONE: **The woman has a known period of normal cycles of menses prior to *Istihadah*.** The woman in this case refers to her previously known period of menses and during this period she applies all the rules regarding Salat, Fasting etc. Bleeding in days other than this reference period is considered as *Istihadah* with all associated rules being applicable.

Example: A woman used to get normal bleeding for six days at the beginning of each month. She then started to have prolonged bleeding. For this woman her Haid period should be the "first six days of every month."

The following extra vaginal bleeding is her *Istihadah*. This is in accordance with the Hadeeth of 'Aisha (*radiyallaahu 'anha*) who narrated that: "*Fatimah bint Abi Hubaish asked the Prophet (ﷺ): "I got persistent bleeding (in between the periods) and do not become clean. Shall I give up prayers? He (ﷺ) replied: No, this is from a blood vessel. Give up the prayers only for the days on which you usually get the menses and then*

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[48]Related by Ahmad, Abu-Dawoud, and At-Tirmidhi who said it is Saheeh (correct Hadeeth). It is also related that Imam Ahmad considered the Hadeeth to be Saheeh and that Imam Al-Bukhari is reported to have said it is good Hadeeth.

take a bath and offer your prayers."[49] And in *Saheeh Muslim*, the Prophet (ﷺ) told Umm Habeebah bint Jahsh who had a prolonged flow of blood to "*refrain (from prayer) during your menstrual period, then wash and pray."*[50] Having done this she should pray and pay attention to any flowing blood.

TWO: The woman does not have a known period of normal cycles of menses prior to *Istihadah*. To be able to distinguish between her blood from normal menses and her *Istihadah* blood, she should watch for some characteristics of these two types of blood. Haid blood may be characterized by thickness, darkness or certain distinct odor.

Example: a woman sees a continuous blood flow but she sees it dark for the first ten days and red for the rest of the month. Or it looks thick for the first ten days and soft for the rest of the month, or for the first ten days it has the characteristic odor of Haid blood and it becomes odorless for the rest of the month. So her Haid period is the dark blood flow for the first example, the thick blood for the second and the one with the distinct odor for the third. The bleeding that follows is considered *Istihadah*. It is related that the Prophet (ﷺ) told Fatimah bint Abi Jahsh: "*When the blood of menses comes, it is black and can be recognized; so when that comes, refrain from prayer, but when a different type of blood comes, perform ablution and pray, for it is (due only to) a vein."*[51]

THREE: The woman does not have a known period of Haid and lacks the distinctive characteristics mentioned above!. Blood flow is continuous carrying the same quality or flowing with abnormal qualities that make it hard to distinguish the Haid bleeding from that of the *Istihadah* bleeding. In this case, women encountering this prolonged and undetermined type of flow should consider their Haid period to be the period encountered by most women: 6-7 days of Haid flow per month, starting from the time she sees the flowing blood. Other than this period, the blood flowing should be considered as *Istihadah*.

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[49] *Saheeh Al-Bukhari* (Arabic-English) V.1, P.194, Hadeeth # 322.

[50] *Saheeh Muslim* (English), V. 1, P.189, Hadeeth # 654.

[51] Related by Abu Dawoud and An-Nassaa'ee, Ibn Habban and Al-Hakim said it is Saheeh. This author said: "although there are critical views regarding the chain of narrators and the interpretation of this Hadeeth, it had been a practical reference for some Muslim scholars and it is a better reference than referring to the average period encountered by most women (six or seven days)."

Example: A woman sees her blood for the first time on the fifth day of the month and it continues to flow while she is unable to distinguish any difference in color, odor or thickness of blood. Her Haid period should be six or seven days starting on the fifth day of each month. This is in lieu of the Hadeeth of Hamnah bint Jahsh (*radiyallaahu 'anha*). She said: *"O Messenger of Allah I am a woman who menstruates in great quantity and it is severe, so what do you think about it? It has prevented me from praying and fasting". He said: "I recommend that you should use cotton, put it on your private part, for it absorbs the blood. She replied: "It is too copious for that..."* In this Hadeeth, the Prophet (ﷺ) said: "*This is a stroke of the devil, so observe your menses for six or seven days, Allah alone knows which it should be; then wash and when you see that you are purified, and quite clean, pray during twenty three or twenty four days and nights and fast, for that will be enough for you."*[52]

The saying of the Prophet (ﷺ) "*for six or seven days"* is not meant to give Hamnah bint Jahsh the choice but just for her to examine and find out who (amongst other women) is closer to her in age, body structure, number of children, etc. the woman that mostly resembles her condition has a Haid period of six days, then she should consider this period as her reference. The same is true if the Haid period was seven days.

The One Who Resembles The *Mustahadah*

It is possible that something (e.g. surgery) may cause the flow of blood through the vagina. There are two types of this case:

(1) It is not possible for her to have menses following surgery e.g. removal of the uterus or its blockage. Under this case, the ruling of *Istihadah* cannot be applicable. If the woman sees blood, then the laws governing the yellowish discharge (see above) apply. Hence she should not refrain from performing prayers or fasting. It is not prohibited for her husband to have sexual intercourse with her and it is not obligatory upon her to have a bath. She must, however, wash, clean, and make ablution at the commencing time of the obligatory prayers and when she intends to offer the optional prayers.

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[52]ibid # 51

(2) It is not certain that her menses will stop following surgery. It is possible that she may have menses. In this case the rulings applicable on a *Mustahadah* (woman going through *Istihadah*) are also applicable on this condition in lieu of the Hadeeth of the Prophet (ﷺ) to Fatimah bint Abi Hubaish: *"It is from a blood vessel, so when the real menses begins give up your prayers and when it (the period) has finished wash the blood off your body (have a full shower) and offer your prayers."*[53] The saying of the Prophet (ﷺ): "*when the real menses begins"* indicates that the rules for the *Mustahadah* woman are applicable upon the woman who, potentially, may have menses (with a beginning and an end). The woman, however, without a potentially occurring menses, her blood is a vessel blood.

Rulings About The *Mustahadah*

Earlier it was explained when the blood is considered a menses (Haid) blood or *Istihadah* blood. The rulings applicable for menses and *Istihadah* depend upon the type of the flowing blood. Rulings about menses were discussed earlier. The rulings about *Istihadah* are the same as those applicable to a clean woman except for the following:

1) It is obligatory upon the *Mustahadah* to perform Ablution for each prayer, because of the order of the Prophet (ﷺ) to Fatimah bint Abi Hubaish: *"Then make Ablution for every Salat,"*[54] meaning that she should make ablution only when the prescribed time of Salat begins and not before it.

.**2)** Prior to ablution she should wash the traces of blood and covers her private part with a pad of cotton to absorb the blood. The Prophet (ﷺ) told Humnah bint Jahsh:"*I recommend that you should use cotton, for it absorbs blood."* She said: "it is too copious for that". He (ﷺ) said; "*then take a cloth."* She replied, "it is too copious for that." He said: "*then Talaj-jami" i.e., to prepare a holding around the waist that will maintain the cotton pad tightly attached to her private part.* Nothing that comes out should then harm her because the Prophet (ﷺ) told Fatimah bint Hubaish: "*Refrain from Salat during the days of your normal menses then wash and make ablution for*

[53]*Saheeh Al-Bukhari* (Arabic-English), V.1, P.183, Hadeeth # 303.
[54]*Saheeh Al-Bukhari* (Arabic-English) V.1, P. 149, Hadeeth # 228.

*every Salat and then pray "even if blood drops onto the mat!" (*Related by Imam Ahmad and Ibn Majah).

(3) Sexual Intercourse: Scholars disagreed about its permissibility. The correct opinion is that it is permissible because many women (ten or more) had their *Istihadah* at the time of the Prophet (ﷺ). Allah and His Messenger did not prevent spouses from engaging in sexual intercourse. In fact, the saying of Allah (ﷻ) :

{ فاعتَزِلُوا النِّساء في المَحيض } الأية (البقرة، ٢٢٢)

"Keep away from women during menses"

(Qur'an 2: 222),

is an evidence that it is only obligatory to keep away from sexual intercourse with women only during menses. And since offering prayers is allowed while in *Istihadah*, then there should be no difficulty in having sexual intercourse. To prevent sexual intercourse based upon *Qiyass* (analogy) with the state of Haid is incorrect, because the two situations are not the same. Deduction of rulings by *Qiyass* is invalid whenever there are existing variations.

Chapter Six

Nifass And Its Rulings

Nifass: is the bleeding due to delivery by a pregnant woman. It may occur with delivery, after delivery (post-natal) or before delivery (by two or three days coupled to contractions). Shayekh Al-Islam Ibn Taymeeyah said: "The blood seen when the woman starts her contractions is *Nifass* and it is not limited to two or three days. These contractions are followed by delivery or otherwise the released blood is not *Nifass*."

The scholars differed as to whether there is a limit on its duration. Shayekul Islam Ibn Taymeeyah said: "*Nifass* has no limit on the duration of its shorter or longer periods. Assuming that a woman sees a flowing of blood for more than forty, sixty, or seventy days and then the blood flow stops. This kind of bleeding is *Nifass*. Suppose, however, that the bleeding continues, then a limit of forty days is set as *Nifass* because this period is the common period encountered by most women".

This author said: "based upon the above, if the bleeding of a woman continues beyond forty days and if there are signs that indicate that it will come to a stop (based upon previous pregnancies or some other signs), then she should wait until the blood flow stops. If none of these signs are encountered by a woman, then she cleans herself (bath) upon the completion of forty days considering it the reference period for most women. On the other hand, if upon the completion of her forty days she gets her normal menses then she should wait until it ends. If the blood continues after her regular menses ends, then she is a *Mustahadah* and should apply the rules of *Istihadah*."

If the *Nifass* bleeding stops before the forty day-reference period and she becomes clean, then she should take a bath, pray, fast and she may engage in sexual intercourse with her husband. The stopping of the flow of blood for less than a day does not qualify her to be clean (as mentioned in *Al-Mughnee*).

Nifass is not confirmed unless the woman delivers a human being with clear features. If a small body is delivered but clearly does not show the developed features of a human being, then the associated bleeding is not *Nifass* and it is considered as ***Irq*** blood (blood from a blood vessel). The least period for which a human form can

develop is eighty days starting from the day of conception and most often it is ninety days. Al-Majd Ibn Taymeeyah[55] said: "If she sees blood coupled to contractions **prior** to the 80/90-days she should not give it any consideration (i.e. she continues to pray and fast). But if she sees blood **after** this period then she should refrain from praying and fasting. Then if it becomes clear that the delivered load was not developed yet (contrary to her apparent judgment that the blood was after the period of development), **then she should correct for her missed prayers and fasting.** If on the other hand the status of development is not clear, then she still goes with her apparent judgment and does not have to make up for her prayers and fasting."

The laws of *Nifass* are the same as the laws governing menses, except in the following cases:

(1) The *'Idda* is not related to *Nifass*, but rather to the rules of divorce. For example: if *Talaq* (divorce) was declared prior to delivery, then the *'Idda* ends upon delivery and is not related to the *Nifass* period. If *Talaq* was declared after delivery, she waits for the return of her menses and accordingly calculates her *'Idda* as explained earlier.

(2) The period of *Eelaa'*. The *Eelaa'* is when the husband makes an oath to indefinitely (or for more than four months) not to have sexual intercourse with his wife. If his wife demands sexual intercourse, a period of four months starting from the day he took his oath, will be set. If this period is completed he will be ordered (by a Muslim Judge) either to perform sexual intercourse with his wife or request of separation by his wife will be fulfilled. *Nifass* will not be counted against the *Eelaa'* period. An increment equal to the period needed for the wife's *Tahara* from *Nifass* will be added towards the *Eelaa'* period. This is in contrast with menses (Haid), whereby its period is counted against the *Eelaa'* period.

(3) Puberty: It is clear that *Nifass* is related to pregnancy. A woman cannot get pregnant before she has her own sexual secretions. Haid (and not *Nifass*) indicates that puberty had been reached.

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[55] *Al-Majd Ibn Taymeeyah*: Is the grandfather of the renowned Ibn Taymeeyah. He was also a highly respected scholar.

(4) What if the flow of *Nifass* blood stops before the forty days period and then resumes on the fortyth day? In contrast with Haid blood,[56] the state of this resumption is considered to be "doubtful" according to famous sayings by the Hanabilah scholars. She, according to them, must fast and pray on time. All that which is forbidden on the *Haa'id* is forbidden on her, except obligatory acts. She must compensate all that which the *Haa'id* must compensate for. This author, however, is with the opinion that: "If the blood resumes within a period that may be a *Nifass* period, then her blood is *Nifass* blood. If not, then it is a Haid blood unless it continues to flow and it will then be an *Istihadah* blood. This opinion is close to that reported in *Al-Mughnee* (V.1, P. 349) in which it is mentioned that Imam *Malik* have said: "If she sees blood two or three days after its flow had stopped, then it is *Nifass* blood or otherwise it is a Haid blood." This is also the choice of Shayekul Islam Ibn Taymeeyah.

Realistically, there can be no "doubt" about blood. It is, however, a relative matter in which peoples' opinions may vary depending upon their knowledge and understanding. The Book of Allah and the *Sunnah* of the Prophet Muhammad (ﷺ) are sources of clarification for everything. Allah (ﷻ) did not make it mandatory for someone to fast twice or make *Tawaff* twice except when there is something done wrong during the performance of these acts for the first time and that it cannot be corrected without actually making it up. However, in the case when someone performs a certain act to the best of his/her ability then he/she is relieved from any responsibility as Allah (ﷻ) says:

{ لا يُكَلِّفُ اللهُ نفساً إلاَّ وُسعَها } (البقرة، ٢٨٦)

"Allah burdens not a person beyond his scope) (Qur'an 2: 286)

{ فاتَّقوا اللهَ ما استَطعتُم } (التغابن، ١٦)

"**So keep your duty to Allah as much as you can"** (Qur'an 64: 16)

(5) What about sexual intercourse with a woman who becomes clean prior to the forty days-reference period of *Nifass*? In the case of the *Haa'id*, sexual intercourse is permissible if she becomes clean prior to her "normal" duration of her cycle.

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[56] If menses blood stops and resumes then it is certainly Haid blood. For example, a woman has her normal monthly cycle for eight days. She says that the blood stops on the fourth day for two days and then it resumes on the seventh and eighth day. This resumed blood is a certainly a Haid blood.

In the case of *Nifass* and in accordance with the well known opinion of the Hanbali school of thought, sexual intercourse is disliked. The right opinion, however, is that it is not disliked and this is also the saying of the majority of Muslim Scholars, because to make something disliked requires a supporting evidence from Islamic Law. In this case there is no evidence except that which Imam Ahmad related: *"the wife of Uthman the son of Abil 'Aass approached him before the end of the forty-day period and he told her: 'do not!'*". This does not necessitate that he disliked what she did because it is possible that he was acting cautiously being afraid that she was not certain that she was *Tahira* (clean from *Nifass*) or that bleeding may be re-activated following intercourse with her or for some other reason- and Allah knows best.

Chapter Seven

The Use of Haid-Inhibitors and Stimulants

The use of Haid-inhibitors is permissible under two conditions:

FIRST: There is no associated harm on the woman. Because Allah (ﷻ) said:

{ ولا تُلقُوا بأيديكُم إلى التَّهلُكَة } (البقرة، ١٩٥)

"And do not throw yourselves in destruction" (Qur'an 2: 195).

{ ولاَ تَقتُلوا أنفُسَكُم إنَّ الله كانَ بكم رحيماً } (النِّساء، ٢٩)

"And do not kill yourselves surely Allah is Most Merciful to you" (Qur'an 4: 29)

SECOND: If its use affects the husband in one way or another, then his permission should be first sought. For example, if a woman is going through her *'Idda* and the husband is obligated to spend upon her, then she is not allowed to prolong her *'Idda* (by using Haid inhibitors) in order that she can receive more of his spending. She should request his permission. Similarly it is not permissible to use such inhibitors without the husband's approval if it is known that the inhibitors will prevent her becoming pregnant. It is better not to use these inhibitors except under the above conditions and when there is a real need for that, because leaving the matter as natural as possible is better for the balance of health and safety of the woman.

The Use of Haid-Stimulants Is Permissible Under Two Conditions:

FIRST: There must be no abuse of its use. For example, to excuse herself from certain mandatory acts of worship like using stimulants right before the month of Ramadan so as to be excused from fasting or from prayers.

SECOND: The use of stimulants must be permitted by the husband because the presence of Haid prevents him from having full enjoyment with his wife. Also, if she was divorced, then this will quickly drop off the husband's right of returning her

because it will hasten the end of her *'Idda*. This applies to the case when the declared divorce is of the type known as Revocable Divorce in which the husband has the right to return his wife before the end of her *'Idda*.

Chapter Eight

The Use of Contraceptives

FIRST: To Completely Prevent Pregnancy. This is not permissible because:

(a) it will diminish the Islamic population and this is against the objective of *Sharee'aa* which aims at increasing the population of Muslims.

(b) the woman is unable to guarantee against the death of her existing children and thus she may die without having any children.

SECOND: To Temporarily Prevent Pregnancy. This applies if the woman had many pregnancies and this is beginning to weaken her. If she wants to regulate her pregnancy so as to have it once every two years, then given the approval of her husband, it is permissible for her to use contraceptives as long as their use does not harm her. The *Sahabah* used to perform *Coitus Interrupts*[57] and they were not prevented (i.e., by the Prophet-ﷺ). This method involves regular sexual intercourse with the wife except at the time of ejaculation, the husband pulls out and ejaculates outside the private part of the woman.

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[57]Narrated Jabir: "we used to practice *Coitus Interrupts* during the life of time of Allah's Messenger (ﷺ)." Collected by Al-Bukhari in his in *Saheeh* (Arabic-English) V.7, P.102

Chapter Nine

The Use of Abortive Meausers

FIRST: Intending the elimination of what is in the mother's womb. If this is planned following the breathing of the soul unto the body[58] is undoubtedly unlawful because it is an act of killing of a living soul.[59] This is in accordance with the Book of Allah, *Sunnah* and *Ijmaa'*. If the abortion is done prior to the breathing of the soul, then some of the scholars permitted it and others did not.

Other scholars said it is permissible as long as it is not an *Alaqa* (clot of blood) i.e., as long as the period of pregnancy is less than forty days. Still others said that it is permissible as long as the load did not develop human-like features. It is, however, better to be cautious and not to abort the load except when there is a genuine need e.g. the mother is ill and unable to carry on the pregnancy, then it is permissible to abort as long as the load did not develop human-like features, and Allah knows best.

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[58]Narrated Abdullah (Ibn Mas'oud) (*radiyallaahu 'anhu*): "Allah's Messenger (ﷺ), the truthful and truly inspired, said, "*Each one of you is collected in the womb of his mother for forty days (in the form of seed), and then turns into a clot for an equal period (for forty days) and turns into a piece of flesh for a similar period (of forty days) and then Allah sends an angel (who blows the breath of life into him)...*" The Hadeeth is related by Muslim and Al-Bukhari (V.8, P.387, Hadeeth # 593). The statement "*who blows the breath of life into him*" is related by Muslim.

[59]The author, may Allah shed him with His mercy, has commented on this act in other publications. In his Book *Al-Fatawa An-Nissa'eyah* (Religious Decrees for Women), he said on P. 54 -55: "This is a forbidden act and it contradicts what the Prophet (ﷺ) intended for this *Ummah* (Nation) to multiply. It is one of the reasons that can weaken the Muslims and humiliate them because when Muslims increase in number they will acquire strength and that is why Allah spoke of the Children of Israel:

{ وأمدَدناكم بأموالٍ وبنينَ وَجَعَلناكم أكثر نفيرا } (الإسراء ، ٦)

"**And We helped you with wealth and children and made you more numerous in man-power** " (Qur'an 17 : 6). Allah (ﷻ), and on the tonque of Prophet *Shu'aib* (*'alaihis-salaam*), reminded *Shua'ib's* people saying:

{ واذكُروا إن كُنتُم قليلاً فكثَّرَكُم } (الأعراف، ٨٦)

"**And remember when you were but few and he multiplied you"**

(Qur'an 7: 86)

It is also knwon that the nation that is more numerous in population can be self-sufficient and is feared by its enemies. It is not, therefore, permissible to eliminate the ability of reproduction unless there is a real need for that e.g. if pregnancy can kill the woman or if a serious disease effects the uterus and if transmitted to the rest of the body may destroy the life of the woman."

SECOND: The Intention is not to eliminate the Load. When abortion is done at the end of the pregnancy period and towards delivery, then this is permissible as long as no harm is inflicted upon the mother and her new born. Also as long as there is no need for surgical procedures. If the need for surgical procedures arises then four situations may arise:

A) **Both, the mother and her baby are alive:** Surgery in this case is permissible if there is a real need e.g. complications during delivery. This is because the body is a trust and it should not be subjected to potential danger unless there is an overwhelming benefit.

B) **Both, the mother and her baby are dead:** It is not permissible to perform surgery because there is no related benefit.

C) **The mother is alive while her baby is dead:** It is permissible to surgically remove the dead burden (unless it is feared that harm could be inflicted upon the mother). It is apparent, and Allah knows best, that the dead burden may not be removed without surgery. Its presence in the mother can prevent her from future delivery and in itself is a hardship on her. Furthermore, this may keep the woman as an *ayyem* (a widower) if she was in a state of *'Idda* following divorce from a former husband.

D) **The mother is dead and her baby is alive:** If it is anticipated that the babe may not live, then it not permissible to remove her burden. If it is anticipated, however, that the babe may live and that part of it has come out then it is permissible to conclude the delivery through surgical procedures. If on the other hand no part of it has come out, then according to some of the jurists, the surgical removal of the babe is considered an act of "mutilation." The right position, however, is that the belly of the mother can be surgically opened to allow the release of the load, especially if there is no other way and because of the advancement in surgical procedures whereby the belly could be opened and stitched again. Also because the safety of the one who is alive is greater than that who is dead and that it is mandatory to rescue the one who is infallible (with no sins). The newborn is free from sin-and Allah knows best.

POINT OF CAUTION

In all the cases where it is permissible to abort, it is required to have the father's approval. Regarding this issue, I (Saleh As-Saleh) asked the Shayekh, Muhammad Bin Salih Al-Utheimeen, *rahimahullah* (may Allah's Mercy be upon him) on Friday, the 17th of Muharam 1413 (17th of July 1992) that : Suppose there was a legitimate need from the pregnant woman to abort and it was not possible to get the father's approval, then can she go ahead with the abortion? The Shayekh answer was "In this case the need overrules the condition of approval."

ENDING REMARKS

I have finished what I have intended about this important subject. I have laid down only the basics. What women do really experience is a sea without shores. The one with good vision can refer the details to the basics and deduce the proper degree. Let the *Mufti* (Muslim Scholar who issues Islamic decrees) know that he is only a means to convey the ruling of Allah and His Messenger and that he is responsible to follow the book of Allah and the *Sunnah*, and he should consider anything that disagrees with the Book of Allah and the *Sunnah* as wrong and must not be practiced or followed even though it may be said by a *Mujtahid* (Scholar conducting *Ijtihad*) who can be excused for his *Ijtihad*. The one who knows that an *Ijtihad* in a certain matter was wrong, then he should not accept it.

It is mandatory that the *Mufti* devote his intention purely for the sake of Allah, seeking Allah's help and His assistance to be firm and guided towards what is right. It is a must that he considers, searches and examines what is in the book of Allah and in the *Sunnah* of the Prophet (ﷺ) and seek the explanations given by Muslim scholars and understand them.

Many times certain situations arise and the person seeking the sayings of the scholars does not find the rulings that would make his heart satisfied or the person may find nothing said. If the person returns to the book of Allah and the *Sunnah*, depending upon his intention, knowledge, and understanding, he/she can come to a clear and close proof.

It is a must that the *Mufti* does not hasten to issue a religious verdict. When a problem requires proper understanding and search, then the *Mufti* should not rush because he may come up with a wrong verdict and then regret it when its too late. When people know that a particular *Mufti* gives proper regard and consideration towards the cases presented to him, people will trust him and consider his verdict or otherwise if he hastens and rushes his verdicts they may lose confidence in his verdicts and thus he had deprived himself and others from the benefit of his knowledge.

I ask Allah, the Most High, to guide us and our Muslim brothers to His Right Path and to give us His protection and save us from doing wrong, He is Most Generous Most Forthcoming.

May Allah's Salat and Salam be upon our Prophet (ﷺ), his family and companions. All praise is due to Allah, Who because of His Favors, righteous deeds could be accomplished.

Completed by the pen of the one who is poor to Allah, ***Muhammad Bin Salih Al-Uthaimeen*** On the Day of Friday, the 14th of *Sha'ban* the year 1392 Hj.

APPENDIX

The following are questions related to the topic of this Book and they were answered by the author, Shayekh *Muhammad Bin Salih Al-Uthaimeen*, *rahimahullaah*.

Questions & Answers

HAID-INHIBITORS

Q1: ***What is the ruling regarding on the use of Haid-inhibitory pills during the month of Ramadan?***

As long as there is no harm in their use and as long as the husband permits this, then it is permissible to use these pills. However, it came to my knowledge that these measures can harm the woman, especially when it is known that the release of blood by menses is a natural process. To prevent this natural way may cause certain harm to the woman. Also the use of these pills can effect the regulation of the periodical cycle itself and that leaves her in doubt and confusion regarding the offering of her prayer and whether she is able to have sexual intercourse with her husband or not. Because of this and other associated reasons, I cannot say that the use of these pills is unlawful but I do not like it and do not encourage it. I say that the woman should accept what Allah had ordained for her and should consider the answer of the Prophet (ﷺ) to his wife 'Aisha when she had her menses after she made *Ihram* for *Umra*. The Prophet (ﷺ) asked 'Aisha: *"May be that you got your menses?"* 'Aisha replied, "Yes." He (ﷺ) then said,*"This is the thing which Allah has ordained for all the daughters of Adam*."[60] The woman should then be patient and seek the reward from Allah. If she is unable to perform Salat and fasting because of her menses, the door is still opened for her to celebrate the praises of Allah, give charity and do good to people and such acts are great acts of worship.

Q2: ***Two months after her marriage, a woman started seeing small drops of blood after she became clean from her menses. Is she allowed to pray and fast or what she should do?***

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[60] *Saheeh Al-Bukhari* (Arabic-English) V.1, P. 182, Hadeeth # 302.

The many problems encountered with the menses and marriage are a sea without shores. Some of the causes relate to this use of Haid-inhibitory pills and contraceptive pills. In the past, people did not use to encounter many of the existing problems. This is regrettable.

The general rule to remember is that whenever the menstruating woman sees the clear indications of *Tahara* then she is clean. In this case it is the "white discharge" that women know. What comes after *Tahara* from yellowish discharges, wet discharges or drops is not menses and therefore does not prevent the woman from praying, fasting, or engaging in sexual intercourse with her husband. Umm 'Atiyya said: "*We never considered yellowish discharge as a thing of importance."* (Al-Bukhari) and Abu Dawoud added "*after Tahara"*[61] (meaning the discharge after *Tahara* was not considered as menses).

A word of caution that women should not rush until they are certain that they are in a state of *Tahara*, because some women when they become dry they rush to have a bath without making sure that they had seen the sign of *Tahara*. That is why the wives of the *Sahabah* used to send their cotton pads to 'Aisha (*radiyallaahu 'anha*) and she would tell them "*do not rush until you see the white discharge* (*Al-Qassah Al-Bayedaa'*)."

Q3: ***What about the wet discharge (moisture)?Is it pure or impure?***

What is known, according to Muslim scholars, is that all that which comes out from the private parts of men and women and their rectums is impure except the semen which is pure. Accordingly, what comes out from the woman is impure and necessitates ablution. This is what I was able to come up with regarding this issue and after discussions with some other scholars. Though I am still having a problem with this position because some women continuously have this kind of discharge. The solution, by making analogy with the person who may have continuous release of urine, is for them to make ablution on time for Salat. I then spoke to some physicians and accordingly I say, "if this discharge is a bladder discharge then the solution I described above holds and if it is from the place from which the newborn comes out, then ablution also holds but the discharge itself is pure and therefore it is not necessary to wash clothes carrying such discharge."

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[61] Good chain of narrators.

Q4: ***Should a woman in a state of Nifass wait for a period of forty days before she can perform Salat or fasting or can she do these acts of worship whenever her blood stops and she cleans herself?***

A woman in a state of *Nifass* has no appointed term. As long as she sees the blood of *Nifass* then she refrains from *Salat*, fasting and sexual intercourse with her husband. If she becomes clean prior to this period of forty days (even on the 10th or the 15th) then she can perform all of the above acts of worship in addition to sexual intercourse with her husband. *Nifass* is a physical matter. The application of *Nifass* laws is related to the existence or non-existence of *Nifass* blood. However, in the case when the bleeding continues for more than sixty days, then the woman is going into a state of *Istihadah*. Following the forty days period she takes into account her normal days of regular menses and refrains from Salat, fasting and sexual intercourse, then she takes a bath and offers Salat considering herself in a state of *Istihadah* (see Chapter on *Istihadah* and *Nifass*).

Bleeding and Fasting

Q5: ***What should a woman do when she does not make up for the days she did not fast in Ramadan due to her menses?***

It is regrettable for something like this to happen amongst the believing women. This is either due to ignorance or laziness and both reasons are wrong! because the cure for ignorance is to ask those who know and the cure for laziness is the fear of Allah and His punishment. So a woman who may have done this should sincerely repent to Allah and seek His forgiveness. She should also try her best to find out the number of days she missed and make up for it. I ask Allah to accept the repentance of such women.

Q6: ***A woman has reached sixty five years of age. She did not give birth to any child during the last nineteen years. For the past three years she had continuous bleeding. What should she do for fasting and what should women like her do (regarding Salat and Fasting)?***

This type of woman should refrain from fasting and Salat during the time of her regular cycle of menses. If for example she used to have her normal period of menses during the first six days of the month, then she should refrain from fasting and praying during the first six days of each month. Once that is done, she should take a bath and perform Salat and fast. As to the how she offers her Salat, she should wash her private part real well and apply a pad to it and make ablution. She does this at the time of the obligatory prayers. She could also do the same for the optional prayers at times other than the times of the obligatory prayers. Because of the difficulty encountered by such woman, it is allowable for her to combine (but not shorten) the *Thuhr* with the *'Asr* prayer (and pray either at time of *Thuhr* or at time of *'Asr*) and the *Maghrib* with the *'Isha'* (and pray either at time of *Maghrib* or at time of *'Isha'*). This way she can do this type of preparation for her Salat three times (including one for *Fajr* prayer) instead of five times a day. She can perform optional prayers based upon her ablution for either of the combined prayers.

Q7: ***A woman broke her fast in Ramadan for seven days while she was in Nifass. She did not make up for those days because she claimed that she was ill. In the following month of Ramadan she did not fast seven more days because she was breast feeding. What should she do?***

If indeed she was ill and could not make up for her first seven days, then she is excused even though the following Ramadan had passed. If she was not really ill but rather lazy then she have committed sin and must sincerely repent to Allah (ﷻ). 'Aisha (*radiyallaahu 'anha*) could not make up for some of her missed days of fasting (from a particular month of Ramadan) up until the month of Sha'ban i.e., the month that proceeds the fasting of the next Ramadan: Narrated 'Aisha *(radiyallaahu 'anha): "Some times I missed some days of Ramadan, but could not fast in lieu of them except in the month of Sha'ban."*[62] So, if the woman has a real excuse then she can make up her missed days of fasting a year (or even two years) later.

Q8: ***A pregnant woman lost her burden in an accident following intensive bleeding. She was in her early stage of pregnancy. Is it permissible for her not to fast or should she resume fasting? and does she commit a sin if she did break her fasting?***

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[62] *Saheeh Al-Bukhari*(Arabic-English) V. 1, P. 98, Hadeeth # 171.

I say, as Imam Ahmad said, the pregnant woman does not have menses. Women recognize that they are pregnant once their normal cycles of menses stop. Menses as some scholars said has been created by Allah (ﷻ) as a mean for providing nutrients for the embryo. Once pregnancy occurs, menses stops. Some woman, however, may continue to have menses after being pregnant. This is considered as true menses because the original menses was not affected by pregnancy and hence all the laws applicable to menses are applicable.

The other kind of bleeding is accidental, due to the lifting of something, falling or alike. This is not menses blood but a bleeding from a blood vessel and thus it does not prevent the pregnant woman from fasting or performing prayers. Her status is the same as that of a clean woman.

In the case of an accidental delivery and the load clearly has human features, then the post-delivery bleeding is considered by learned Muslim scholars as *Nifass*. Thus the woman should refrain from fasting and prayers and her husband should not have sexual intercourse with her until she becomes clean (*Tahira*). If the delivered load does not have human features then her bleeding is not *Nifass*, but "spoiled" blood and that does not prevent her from Salat, fasting etc. Learned Muslim scholars said that the least period upon which human formation occurs inside the mother's womb is *eighty one days*, in accordance with the Hadeeth related by Abdullah *Ibn* Mas'oud (RAA) and in which the Prophet (ﷺ) said:

"Each one of you is collected in the womb of his mother for forty days, and then he turns into a clot for an equal period (of forty days) and turns into a piece of flesh for a similar period(of forty days) and then Allah sends an Angel and orders him to write four things i.e. his provision, his age, and whether he will be of the wretched or the blessed (in the Hereafter)."[63]

It is not possible that the burden may acquire the human formation prior to this period of 81 days and most likely this period is ninety days as said by some Muslim scholars.

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[63]See footnote # 58.

Menses and Salat

Q9: ***What is the ruling regarding a woman who gets her menses right after the starting time of a prescribed prayer? Also what is the ruling if she becomes clean before the time of a prescribed prayer ends?***

If a woman gets her menses during the prescribed time of a prayer and she did not yet perform this prayer while she is still clean, then she should make up this particular prayer in lieu of the saying of the Prophet (ﷺ): *"Whoever could get one Rak'ah of Salat (in its proper time) then he has got the Salat."*[64]

So if she is able to get one *Rak'ah* and then she had her menses before actually performing Salat, then she must make up this prayer once she becomes clean. On the other hand, if she becomes clean before the end of the prescribed time of a articular prayer then she must make up this prayer after she cleans herself (take a full shower) i.e., if her menses stops and she has enough time to perform only one *Rak'ah* before sunrise, then its a must upon her to make up for the *Fajr* prayer once she is clean. Also if her menses stops and there is time only to perform one *Rak'ah* before midnight then she must make up for *Isha'* prayer once she cleans herself. But if her menses stopped after midnight then she does not have to make up for the *'Isha'* prayer but she must pray *Fajr* on time. Allah (ﷻ) said:

{ فإذا اطمَئنَنْتُم فأقيموا الصَّلاة إنَّ الصلاة كانت على المؤمنين كتاباً موقوتاً } (النساء، ١٠٣)

"But when you are free from danger, offer prayers perfectly: verily, the prayer is enjoined on believers at fixed hours." (Qur'an 4: 103)

These prayers are specified prayers with specified times to perform them and it is not allowed for a person to perform them before or after their prescribed times.

Q10: ***Suppose a woman becomes clean from her menses before Salat Al-Fajr but she took her bath after the commencement of the Salat time, and fasted that day. Is her fasting correct?***

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[64] *Saheeh Al-Bukhari* (Arabic-English), V.1, P. 332, Hadeeth # 554.

If a woman becomes clean during the month of Ramadan one minute before the commencement of the prescribed time of *Salat Al-Fajr*, then she must fast that day and her fasting is correct and it is not mandatory upon her to make up the fast because she fasted while she was clean even though she did not take her bath till after the rise of *Fajr*. This is similar to the case when a man has a wet dream or in a state of *Jannabah*. He can have his *Suhor* (meal before *Fajr*), fast and take his bath after *Fajr*.

I want to caution some women who may think that if they get their menses after breaking the fast and before *Isha'* then their fasting was incorrect. This understanding is wrong. Their fasting is correct and complete even if they get their respective periods one moment after sunset (*Maghrib*).

MENSES IN *HAJJ & UMRA*

Q11: ***A woman had her menstrual period while in Hajj. She was shy to inform anyone. She entered the Masjid Al-Haram prayed and performed Tawaff and Sa'ee. What she should do knowing that her menses came after her Nifass?***

No menstruating woman is allowed to offer prayers at her home, in Makkah, or in other place because of the saying of the Prophet (ﷺ): *"Is it not true that a woman does not pray and does not fast on menstruating?"*[65]

All Muslim Scholars had *Ijmaa'* that the woman should not pray and fast while she is menstruating. This woman should repent to Allah and ask His forgiveness for what she had done. As far as her *Tawaff*, it is not correct and she must make up for her *Tawaff* and her husband must not engage in sexual intercourse with her until she makes up for her *Tawaff*. If this is done by a single woman then no contract of marriage can be performed until she makes up her *Tawaff*-and Allah knows best. As far as the validity of her *Sa'ee*, the strongest opinion is that it is correct because it is permissible, according to this opinion, to perform *Sa'ee* before *Tawaff*.

Q12: ***A woman passed by the Meeqat***[66] ***while she was in menses. She did not make Ihram and she stayed in Makkah until she became clean and made her Ihram there. Is this permissible, and if not what should I do?***

This is not permissible. A woman should have her *Ihram* at the *Meeqat* and should not pass it, even if she has her menses. Her *Ihram* is correct. The evidence is in the story of Asmaa' bint Umaiss (the wife of Abu Bakr (*radiyallaahu 'anhu*)). She gave birth on her way to Hajj and the Prophet (ﷺ) was at the *Meeqat of Dhul Hulaifah*[67] intending his Farewell Hajj. She send to the Prophet (ﷺ) as to what she is supposed to do. He (ﷺ) said: "have a bath, *Istathfiree*[68] and make *Ihram*[69]."

The blood of Haid is like that of *Nifass*, meaning that the woman should deal with it in the same manner regarding its cleaning and he preparation for *Ihram*. A menstruating woman in her *Ihram* cannot enter the *Masjid Al-Haram* and must not make *Tawaff* until she becomes clean. That is why the Prophet (ﷺ) told 'Aisha when she got her menses during her Umra: "*do what all the pilgrims do except that you do not perform the Tawaff around the Ka'ba till you are clean.*[70]

Also, in *Saheeh Al-Bukhari* 'Aisha (*radiyallaahu 'anha*) mentioned that when she became clean from her menses she performed *Tawaff* and *Sa'ee.*[71]

This indicates that if a woman gets her menses at the time of *Ihram* or before *Tawaff* then she should not perform *Tawaff* or *Sa'ee* until she becomes clean and after she takes a bath. If she gets her menses after *Tawaff* she can perform *Sa'ee* and can clip from her hair, finishing all of the Umra rites. This is so, because cleanliness from menses is not a condition for *Sa'ee*.

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[65]*Saheeh Al-Bukhari* (Arabic-English), V.1, P.182, Hadeeth # 301.

[66]*Meeqat*: from (pl.) *Mawaqeet*: Certain places specified by the Prophet (ﷺ) for the people to assume *Ihram* at on their way to Makkah when intending to perform *Hajj* or *Umra*.

[67]*Dhul Hulaifah*: a place six miles distant from Madinah on the way to Makkah.

[68]*Istathfiree*: to put on a piece of cloth on the private part and to have it tightly fit.

[69]See *Saheeh Muslim* (English) V.2, P. 598-599, Hadeeth # 2762 & 2763.

[70]see footnote # 5 & 6.

[71]*Saheeh Al-Bukhari* (Arabic-English) V.1 P. 188-189 Hadeeths # 314 and 316, respectively.

MENSES AND DIVORCE

Q13*: **Please clarify the conditions of At-Talaq Ar-Raj'ee (Revocable Divorce). Should the divorced woman stay at her husband's home or she has to stay at her family's home during her 'Idda?***

The divorced woman must stay at her husband's home during the prescribed *'Idda* and it is unlawful for her husband to move her out because Allah (ﷻ) said:

{ لا تُخرجوهنَّ من بيوتِهِنَّ ولا يَخْرُجنَ إلاَّ أن يأتينَ بفاحِشةٍ مبيِّنَةٍ وتلكَ حدود الله ومن يتَعَدَّ حدودَ الله فقدَ ظلَمَ نفسَهُ } (الطَّلاق، ١)

"And turn them not out of their (husband's) homes, nor shall they (themselves) leave except in case they are guilty of some open illegal sexual intercourse. And those are the set limits of Allah. And whosoever transgresses the set limits of Allah, then indeed he has wronged himself." (Qur'an 65: 1)

What is done by some people who turn their divorced wives to their parents' homes is wrong and contradicts the orders of Allah Who, immediately in the same verse, clarified the wisdom behind keeping the wife at her husband's home by saying:

{ لا تَدري لَعَلَّ الله يُحدِثُ بعدَ ذلكَ أمراً } (الطلاق، ١)

"**You (the one who divorces his wife) know not, it may be that Allah will afterward bring some new thing to pass (i.e., to return her back to you if that was the first or second divorce)."** (Qur'an 65: 1)

Muslims, therefore, should not resort to their own traditions and transgress against the laws and limits set by Allah.

While at her husband's home she is allowed to beautify herself and converse with her husband and she can do every permissible thing except sexual intercourse or sexual advances. The husband has the right to return her by uttering "I return you to me" or he can do that through actual sexual intercourse with her having the intention of returning her back to him.

As far as the *'Idda* of the divorced woman is concerned, certain points have to be clarified:

1) If she is divorced prior to having sexual intercourse and prior to any seclusion with her, then there is no *'Idda* for her. The moment he divorces her, she can get married if she desires. If on the other hand he had seclusion or actual sexual intercourse with her then there is *'Idda* for her. Her *'Idda* is related to other conditions as follows:

a) If she is pregnant, then her *'Idda* is up and until she delivers her load regardless of the length of her pregnancy. For example, he may divorce her in the morning and she may deliver before noon. Thus her *'Idda* (period) is over. He may divorce her in the month of *Muharam* and she gives birth in the month of *Dhul Hijja*. Her *'Idda* is twelve months. This is because Allah (ﷻ) made it clear that the *'Idda* for a pregnant woman is:

{ وأولاتُ الأحمالِ أجَلُهُنَّ أن يَضَعنَ حَملَهُنَّ } (الطلاق، ٤)

"**And for those who are pregnant (whether they are divorced or their husbands are dead), their *'Idda* (prescribed period) is until they deliver (their burdens).** (Qur'an 65: 4)

b) If she was not pregnant but she can have menses, then her *'Idda* is *Three Complete Cycles of Haid* ***after*** divorce i.e., she gets menses then she becomes clean (one cycle), gets the next menses and becomes clean (second cycle), and finally gets her third menses and becomes clean (third cycle). The *'Idda* is independent of the length of time between each cycle. If for example she is divorced while she is breast feeding and she did not get her menses until two years later, then she is still in the state of *'Idda* until she gets her next two cycles of menses. Regardless of the period between the three cycles (short or long) the *'Idda* remains to be Three Complete Cycles as Allah (ﷻ) says:

{ والمُطلَّقاتُ يَتَرَبَّصنَ بأنفُسِهِنَّ ثلاثة قُروءٍ } (البقرة، ٢٢٨)

"**And divorced woman shall wait (as regard their marriages) for three menstrual periods"** (Qur'an 2: 228)

c) If she does not have menses, either immature or old, her *'Idda* is three months as Allah (ﷻ) has said:

{ واللائى يَئِسنَ من المَحيض من نسائِكُم إن ارتبتُم فعِدَّتُهُنَّ ثلاثةُ أشهُر واللائِى لم يَحِضن } (الطلاق، ٤)

"And those of your women as have passed the age of monthly courses, for them the *'Idda* (prescribed period), if you have doubts (about their periods), is three months, and for those who have no courses (i.e., they are still immature) their *'Idda* (prescribed period) is three months likewise. [except in the case of death**].** (Qur'an 65: 4)

d) If for some known reason a menstruating woman stops getting her menses and her menses does not resume at all (e.g. she removed her uterus), then her *'Idda* is like that of the woman who have passed the age of monthly courses i.e., three months.

e) If for some known reason she stops having her menses then she must wait until the cause is lifted and her menses resumes. Her *'Idda* shall be three complete menstruating periods.

f) If for some unknown reason she stops getting her menses, then according to Muslim scholars she must have a *'Idda* of one year: nine months covering the pregnancy term and three months for the *'Idda*.

Finally the woman whose contract of marriage has been ended by *Khul'* (divorcing a wife in return for some lawful offer to her husband) or some other way, then her *'Idda* is one single menses.

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May Allah Accept This Effort. Any success in this work is from Allah, and any mistake is from me and from *Shaytan*. Signed:
The slave of Allah, Saleh As-Saleh.

Note: All the *Ayat* are written in Arabic. Their meanings are translated into English.